

S.B.CIVIL WRIT PETITION NO. 1485/1999
M/s Mahaveer Conductors Vs. State of Raj. & Ors.

DATE OF ORDER :: 19th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.L. Purohit, for the petitioner.
Mr. L.M. Lodha, for the respondents.

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The petitioner, a partnership firm, was having electric connection with sanctioned load of 165HP and connected load of 125HP. Under a notification dated 7.8.1990 the Rajasthan State Electricity Board (Department of Commercial Operations) made certain amendments in tariff rates. According to the amendment introduced under the notification dated 7.8.1990 minimum charges for consuming electricity were to be determined at the rate of 108 paise per kw against 50 units per Horse Power or part thereof per month of sanctioned connected load.

According to the petitioner the amendment aforesaid was applicable only in the event of electricity supplied through high tension line of 11000 Volts and not in case of the petitioner being getting electricity supply by low tension connection of 440 Volts. The petitioner raised this question before the Settlement Committee, however, while deciding the dispute so raised under the order dated 17.2.1999 the Settlement Committee did not decide the issue as to whether the amended provision was applicable for consumption of electricity from low tension line and not at 11000 volts. The sole decision given by the Settlement Committee reads as under:

“5. The case was discussed in detail. It was felt that since RSEB had revised its tariff for all categories of consumers, as per powers conferred

by Section -49 of the Electricity (Supply) Act, 1948 (Central Act -54 of 1948) and duly notified it in Rajasthan Gazette dt. 7.8.90, no relief could be provided to the consumer. It was, therefore, decided to reject the case in-absentia.”

From the reading of the finding given by the Settlement Committee it is apparent that the question raised by the petitioner, before it, was not decided. It was obligatory upon the Settlement Committee to consider and decide with reasons the issue raised by the petitioner before it.

For the reason above, I consider it appropriate to remand the matter to the Settlement Committee of Jodhpur Vidyut Vitran Nigam to decide the matter afresh by affording an opportunity of hearing to the petitioner. The Settlement Committee shall decide the issue in question within a period of six months from today.

With the observations above, this petition for writ is disposed of.

(GOVIND MATHUR), J .

jgoyal